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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,970	12/02/2005	Staffan Schager	1816	4054
20576	7590	12/10/2008		
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			EXAMINER MITCHELL, JOEL F	
			ART UNIT 3671	PAPER NUMBER
			MAIL DATE 12/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/540,970

**Applicant(s)**

SCHAGER, STAFFAN

**Examiner**

Joel F. Mitchell

**Art Unit**

3671

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by McKnight (US 3,187,912).**

3. With respect to claim 1, McKnight discloses a loader for agricultural tractors (9) equipped with hydraulically maneuverable (col. 3, lines 57-62), parallel lifting arms (25) which are pivotally mounted at the rear part of the tractor together with a center attachment member (including 15, 20, 21) carried by the tractor body (seen in Fig. 2) between the lifting arms, said loader comprising:

two parallel loader arms (18) including means for attachment (including 16, 17, 19, 27) of the loader arms to respective tractor-mounted lifting arms to extend rearwardly (seen in Figs. 1-4); and

a hydraulically extendable center rod (14) including an inner end (37) pivotally connected (via 37) with the center attachment member (21) of the tractor body at a point between the tractor-mounted lifting arms (seen in Fig. 5);

wherein the extendable center rod extends outwardly from the center attachment member of the tractor body to an outer end (38A) at a working implement (10);

wherein the center rod includes along its length a hydraulic piston-cylinder device (36, 38), movement of the piston (38) of which functions to change the length of the center rod and to thereby tilt the working implement (seen in Figs. 1-3);

wherein outer ends of respective loader arms (18) and an outer end (38A) of the center rod (14) are connected (loader arms connect via 23, 24; center rod connects via 39) to the working implement (10), whereby the working implement is lifted by the loader arms and is tilted by the hydraulically extendable center rod (seen in Figs. 1-3); and

wherein the loader arms are inclined upwards in a region outwardly of and close to an outer end of a respective lifting arm (18 shown inclined with respect to 25 in Fig. 2).

4. With respect to claim 3, McKnight discloses a loader wherein respective outer ends of loader arms (18) and the outer end (38A) of the center rod (14) include attachment means (loader arms attach via 23, 24; center rod attaches via 39) for attachment to a working implement (10).

5. With respect to claim 4, McKnight discloses a loader wherein the inclination of the loader arms relative to the lifter arms is adjustable (via pivotal connections at 27).

6. With respect to claim 5, McKnight discloses a loader wherein the connecting means included at the outer ends of respective loader arms (18) include a pivot adapted to pivotally support the working implement (col. 3, lines 40-43) and wherein at the outer

end (38A) of the center rod (14) is a pivot joint adapted for pivotal connection to the working implement (col. 4, lines 9-12).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight.**

9. McKnight discloses a loader with regard to claim 1, above. McKnight does not explicitly disclose spaced attachment points at the outer end of the center rod. McKnight discloses spaced attachment points (35) at the outer end of a support member (30), wherein the attachment points are spaced at mutually different distances (Figs. 1-3) from the inner end of said member.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the outer end (38A) of the center rod (14) of McKnight with attachment points. The motivation being "to enable adjustment thereof relative to the frame" (col. 4, lines 1-2) and thereby increasing the range and possible effective lengths of the center rod (14).

**11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight as applied to claim 1 above, and further in view of Hare (US 4,103,796).**

12. McKnight discloses a loader wherein the loader arms are secured to respective lifting arms via cotter pins (27C) and wherein the loader arms extend below the lifting arms (seen in Figs. 1, 3). McKnight does not explicitly disclose the loader arms abutting the lifting arms. Hare discloses a bucket attachment wherein inner ends of respective loader arms (55a, 55b) are secured to a respective lifting arm (14, 16) by means of cotter pins (68); and wherein respective loader arms extend below (Fig. 1) respective lifting arms and abut an underside of a respective lifting arm (14 abuts 55a, 16 abuts 55b).

13. McKnight and Hare are analogous because they both disclose rear tractor-mounted implements that suspend and control buckets. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the loader as taught by McKnight with the means to abut the loader arms with an underside of the lifting arms as taught by Hare in order to eliminate material from the frame (11, in particular from 16).

### ***Response to Arguments***

14. Applicant's arguments filed 8/26/2008 have been fully considered but they are not persuasive.

15. In response to applicant's argument that McKnight fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the center attachment member being part of the tractor body or directly attaching to the tractor body) are not recited in the rejected claims. The center attachment member (including 15, 20, 21) of McKnight is viewed as being "carried by the tractor". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

16. Regarding claim 8, Hare is cited for teaching abutment of the loader arms with an underside of the lifting arms. Therefore, given the teaching of Hare, it would have been obvious to extend the loader arms (18) of McKnight below the lifting arms (25) and to abut the loader arms (18) with undersides of the lifting arms (25), as opposed to the spaced relation as shown in Fig. 5 of McKnight, providing for the elimination of material from the frame.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel F. Mitchell whose telephone number is (571)272-7689. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas B Will/  
Supervisory Patent Examiner Art  
Unit 3671



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